

**Garcia, Mabel**

---

**Subject:** FW: Syracuse China  
**Attachments:** 00100.tif; 00191.tif; 00002191.tif; 00002714.tif; 00002715.tif; CDFCNAPB\_PGK.tif; PB27805119.tif; Failure to Certify SPDES Permit Documentation.pdf

---

**From:** natalie.g.harrison@usdoj.gov <Natalie.G.Harrison@usdoj.gov>  
**Sent:** Wednesday, March 31, 2021 8:54 AM  
**To:** Jacqueline.Yap@lw.com; Gary.Gengel@lw.com; Sara.Orr@lw.com; Madeleine.Parish@lw.com; Anu.Yerramalli@lw.com  
**Cc:** Ludmer, Margo <ludmer.margo@epa.gov>  
**Subject:** RE: Syracuse China

Hi Jacqueline,

Following up on the PCB-containing materials, attached are several waste manifests from the New York Department of Environmental Conservation and New Hampshire Department of Environmental Services showing the removal of transformers, capacitors, PCB-containing oil, and light ballasts from the Syracuse China facility between 1989 and 2010. We're also including documents related to the SPDES permit at the Syracuse China facility, which are relevant to our understanding of how industrial discharges from the facility made their way into Ley Creek.

We look forward to speaking with you on Thursday.

Best,

Natalie G. Harrison  
Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
(202) 305-0461

---

**From:** [Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>  
**Sent:** Thursday, March 25, 2021 3:45 PM  
**To:** [ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov); Harrison, Natalie G. (ENRD) <[NHarrison@ENRD.USDOJ.GOV](mailto:NHarrison@ENRD.USDOJ.GOV)>  
**Cc:** [Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com); [Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com); [Sara.Orr@lw.com](mailto:Sara.Orr@lw.com); [Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)  
**Subject:** RE: Syracuse China

Hi Margo,

Great, we look forward to digging into the materials! Thank you for providing an update.

Best,  
Jacqueline

**Jacqueline J. Yap**  
Pronouns: she/her/hers

**LATHAM & WATKINS LLP**

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304  
D: +1.202.637.3362

---

**From:** Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>

**Sent:** Thursday, March 25, 2021 3:43 PM

**To:** Yap, Jacqueline (DC) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>; [natalie.g.harrison@usdoj.gov](mailto:natalie.g.harrison@usdoj.gov)

**Cc:** Gengel, Gary (NY) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>; Yerramalli, Anu (NY) <[Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com)>; Orr, Sara (CH) <[Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)>; Parish, Madeleine (NY) <[Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)>

**Subject:** RE: Syracuse China

Hi Jacqueline,

Thanks for checking in. We expect to be providing the requested information early next week.

Best regards,  
Margo

Margo Ludmer  
Assistant Regional Counsel  
New York/Caribbean Superfund Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
212.637.3187

---

**From:** [Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>

**Sent:** Thursday, March 25, 2021 12:49 PM

**To:** [natalie.g.harrison@usdoj.gov](mailto:natalie.g.harrison@usdoj.gov); Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>

**Cc:** [Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com); [Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com); [Sara.Orr@lw.com](mailto:Sara.Orr@lw.com); [Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)

**Subject:** RE: Syracuse China

Hi Natalie and Margo,

Hope you're having a good week so far! We wanted to check in on the status of gathering additional information about the PCB-containing material from the 1980s-1990s. Please let us know if we can expect to receive this information by the end of the week or early next week.

We look forward to our discussion next Thursday.

Thank you,  
Jacqueline

**Jacqueline J. Yap**  
Pronouns: she/her/hers

**LATHAM & WATKINS LLP**

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304  
D: +1.202.637.3362

---

**From:** Harrison, Natalie G. (ENRD) <[Natalie.G.Harrison@usdoj.gov](mailto:Natalie.G.Harrison@usdoj.gov)>

**Sent:** Thursday, March 18, 2021 5:17 PM

**To:** Yap, Jacqueline (DC) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>; Parish, Madeleine (NY) <[Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)>; Gengel, Gary

(NY) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>; Yerramalli, Anu (NY) <[Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com)>; Orr, Sara (CH) <[Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)>

Cc: Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>

Subject: RE: Syracuse China

Hi Jacqueline, Madeleine, Gary, Anu, and Sara,

Thank you all so much for getting back to us so quickly. Margo is out until Monday, but I wanted to check in briefly before next week.

In terms of scheduling another call, either 1-2 or 3-4 on 4/1 work for me, but I will check with Margo when she's back next week. Can we tentatively hold those windows for now until we can confirm?

Gary, I will get back to you next week with the oversight bill, along with additional information about the PCB-containing material from the 1980s-1990s. And Madeleine, thank you for providing the update on the unsecured claims. That will be helpful for us to discuss with our respective management.

Thanks,

Natalie G. Harrison  
Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
(202) 305-0461

---

From: [Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>

Sent: Thursday, March 18, 2021 4:53 PM

To: Harrison, Natalie G. (ENRD) <[NHarrison@ENRD.USDOJ.GOV](mailto:NHarrison@ENRD.USDOJ.GOV)>; [ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)

Cc: [Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com); [Sara.Orr@lw.com](mailto:Sara.Orr@lw.com); [Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com); [Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)

Subject: RE: Syracuse China

Hi Natalie,

Following up with the collective availability of the Latham team, would any of the following windows work for you and Margo?

11-12 AM ET on 3/31

1-2 PM or 3-4 PM ET on 4/1

Thanks,  
Jacqueline

**Jacqueline J. Yap**  
Pronouns: she/her/hers

**LATHAM & WATKINS LLP**  
555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304  
D: +1.202.637.3362

---

From: Gengel, Gary (NY) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>

Sent: Thursday, March 18, 2021 1:28 PM

**To:** Harrison, Natalie G. (ENRD) <[Natalie.G.Harrison@usdoj.gov](mailto:Natalie.G.Harrison@usdoj.gov)>; Parish, Madeleine (NY) <[Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)>; Yerramalli, Anu (NY) <[Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com)>; Yap, Jacqueline (DC) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>; Orr, Sara (CH) <[Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)>  
**Cc:** Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>  
**Subject:** RE: Syracuse China

Natalie –

Thanks for getting back to us. Jacqueline will respond on our availability for the next call.

We are unable to locate a copy of the oversight bill, so can you please email that to us?

Last, can you please provide us with a little more color on the “large volumes of PCB-containing material” removed in the 1980s and 1990s?

Thanks again,

**Gary P. Gengel**

**LATHAM & WATKINS LLP**  
885 Third Avenue  
New York, NY 10022-4834  
Direct Dial: +1.212.906.4690  
Mobile: +1.609.306.9835  
Email: [gary.gengel@lw.com](mailto:gary.gengel@lw.com)

---

**From:** Harrison, Natalie G. (ENRD) <[Natalie.G.Harrison@usdoj.gov](mailto:Natalie.G.Harrison@usdoj.gov)>  
**Sent:** Wednesday, March 17, 2021 3:35 PM  
**To:** Gengel, Gary (NY) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>; Parish, Madeleine (NY) <[Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)>; Yerramalli, Anu (NY) <[Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com)>; Yap, Jacqueline (DC) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>; Orr, Sara (CH) <[Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)>  
**Cc:** Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>  
**Subject:** RE: Syracuse China

Hi Gary,

Thank you for providing these documents. Margo and I are in the process of reviewing this information and discussing with our respective management. However, we note as a preliminary matter that we disagree with the premise that PCBs were not used at the Syracuse China facility, given that we are aware that large volumes of PCB-containing material was removed from the facility for offsite disposal in the late 1980s and 1990s, which we can discuss further during our next call. Could we schedule our next call for some time between March 30 and April 1?

While we are discussing the pathways documents internally, are you able to provide the most recent estimate of the claims for the unsecured creditors? I think our last estimate was from November, when the unsecured claims were estimated to be somewhere around \$15 million.

Finally, you may have already seen it, but the oversight bill for Lower Ley Creek was sent out to the signatories on the AOC for Lower Ley Creek last Friday. That would have the most updated numbers on EPA’s incurred costs for Lower Ley Creek.

Best,

Natalie G. Harrison

Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
(202) 305-0461

---

**From:** [Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>

**Sent:** Friday, March 12, 2021 4:36 PM

**To:** Harrison, Natalie G. (ENRD) <[NHarrison@ENRD.USDOJ.GOV](mailto:NHarrison@ENRD.USDOJ.GOV)>; [Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com); [Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com); [Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com); [Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)

**Cc:** [ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)

**Subject:** RE: Syracuse China

Dear Natalie -

Apologies for the delay as we collected and reviewed the relevant documents which we received from counsel handling the Ley Creek matter.

The documents are attached, and below are relevant references and supplementary notes:

1. Geraghty and Miller Remedial Investigation Report, dated December 1995.

- On pdf page 33 of 301, the report states that analytical results indicate that PCBs were not detected above the method quantitation limit in the two sediment samples collected. *See also* page 18; Table 12, page 71. Counsel explained that those two samples were taken along the landfill berm due to concerns that sediments from Ley Creek may have impacted the landfill (and not vice versa).
- We would also note that Figure 3 (page 87) shows Ley Creek as over 200 feet from the closest site boundary (edge of the northern wetlands).

2 . 1992 O'Brien and Gere Phase I.

- No material sources of PCBs were identified.
- On page 10 of 11, O'Brien and Gere concluded that non-compliance with PCB issues would not be anticipated. "According to documentation provided to O'Brien & Gere from SCC, in 1989 Krause & Heil Inc., removed PCB-contaminated capacitors and transformers. In addition, Krause & Heil installed new non-PCB containing safety switches and capacitors, and three 1500 KV.A. transformers."

3. 1996 ROD.

- Page 9 of 43 states that no significant levels of PCBs were detected from soil borings drilled into the landfill berms and for monitoring wells in areas outside the landfill.
- Page 10 of 43 states that "No pesticides, PCBs or cyanide compounds were detected in groundwater samples."
- Table 1, Nature and Extent of Contamination (page 14 of 43), does not show PCBs as a contaminant of concern.
- Appendix A, Responsiveness Summary (page 27 of 43), also confirms DEC acknowledgment that PCBs were not of concern at the site.

4. Response to EPA Nexus Package.

- Page 2: "it is an exaggeration to characterize this landfill as 'bordering Ley Creek.' There are (and were) several disturbed and man-made features between Ley Creek and the landfill at the Syracuse China Court Street/Factory Avenue site. These features include: (i) former Ley Creek dredgings/wetlands located on a wide strip of General Motors-owned property adjacent to Ley Creek; (ii) Factory Avenue itself; (iii) the Factory Avenue stormwater drainage ditch; (iv) a right-of-way for buried natural gas pipe; and (v) a sizeable wetland area on the Syracuse China site. These areas afforded a substantial buffer against the possibility of migration of materials in the

landfill or from other site operations to Ley Creek. Ley Creek is over 200 feet from the closest site boundary, (which would be the edge of the northern wetlands), and the landfill and settling ponds are at a substantially greater distance from this site perimeter.”

5. 1990 O’Brien and Gere Preliminary Hydrogeological Site Assessment (for background)

- Summary of pathway from wastewater treatment ponds: The settling ponds discharged treated wastewater into a marshy area north of the ponds created as a result of the construction of Factory Avenue. The wetlands emptied into a culvert that crossed under Factory Avenue some two hundred feet north of the discharge from the settling ponds. The water from the wetlands (which included treated process water) exited the culvert and flowed through a preferential pathway located within the wetlands buffer and wetlands located between Factory Avenue and Ley Creek. It then entered Ley Creek. See O’Brien & Gere, Preliminary Hydrogeological Site Assessment, dated April 1990, p. 15 of 104; Geraghty & Miller, Remedial Investigation Report, Syracuse China Landfill, dated December 1995, 2-1, pages 9-10 of 301.

In summary, PCBs were not and are not a COC at the Syracuse China facility, and settling ponds, distance and wetlands mitigated if not eliminated any pathway to Ley Creek.

Please let us know when you have had the chance to review and are ready to schedule our next call.

Thanks,

**Gary P. Gengel**

**LATHAM & WATKINS LLP**  
885 Third Avenue  
New York, NY 10022-4834  
Direct Dial: +1.212.906.4690  
Mobile: +1.609.306.9835  
Email: [gary.gengel@lw.com](mailto:gary.gengel@lw.com)

---

**From:** Harrison, Natalie G. (ENRD) <[Natalie.G.Harrison@usdoj.gov](mailto:Natalie.G.Harrison@usdoj.gov)>

**Sent:** Friday, March 12, 2021 10:15 AM

**To:** Parish, Madeleine (NY) <[Madeleine.Parish@lw.com](mailto:Madeleine.Parish@lw.com)>; Yerramalli, Anu (NY) <[Anu.Yerramalli@lw.com](mailto:Anu.Yerramalli@lw.com)>; Gengel, Gary (NY) <[Gary.Gengel@lw.com](mailto:Gary.Gengel@lw.com)>; Yap, Jacqueline (DC) <[Jacqueline.Yap@lw.com](mailto:Jacqueline.Yap@lw.com)>; Orr, Sara (CH) <[Sara.Orr@lw.com](mailto:Sara.Orr@lw.com)>

**Cc:** Ludmer, Margo <[ludmer.margo@epa.gov](mailto:ludmer.margo@epa.gov)>

**Subject:** Syracuse China

*For Settlement Purposes Only / Subject to FRE 408*

Good morning all,

Following up from our call on Monday, Margo and I have an update on the shortfall numbers from Lower Ley Creek, along with more information about handling the return of the letter of credit. Are you able to share the pathway analysis that you mentioned on Monday? Once we’ve had a chance to review and discuss that, we expect that we’ll be ready to share our information and discuss next steps.

Thank you,

Natalie G. Harrison  
Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at [www.lw.com](http://www.lw.com).